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**S-4436**  
**MEEKS MINOR SUBDIVISION**  
**Minor-Sketch Plan**

**REVISED STAFF REPORT**  
**February 13, 2014**

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**Revised Staff Report**  
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*Note: Additions made to the original January 30<sup>th</sup> staff report are shown in italics.*

**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioners Mark & Michael Forszt, with consent of owner Roy Meeks, and represented by attorney Dan Teder and TBird Design Services, are seeking primary approval for a two lot commercial subdivision on 12.77 acres, located at the northeast corner of Commerce and Progress Drives, Lafayette, Fairfield 25 (NW) 23-4. Petitioners plan to start a Harley Davidson dealership on one of the two lots.

**AREA ZONING PATTERNS:**

The site is zoned HB, Highway Business, although a rezone request for GB zoning on proposed Lot 1 has been filed for the February APC meeting. (Automotive dealers –SIC 55, are only permitted in the GB zone.) An 80' x 80' utility easement in the southeast corner of proposed Lot 2 is zoned I1. Properties to the north and northwest are zoned HB; land to the south and southwest are zoned GB. The area across I-65 is also zoned GB. The site in question is currently unplatted.

**AREA LAND USE PATTERNS:**

The proposed subdivision is currently unimproved except for a primary communications tower located on an easement in the southeast corner of Lot 2. The southbound access ramp to I-65 is adjacent to the east. Surrounding uses generally cater to the traveling public: motels, gas stations, and restaurants. A Wal-Mart Super Store is located to the southwest; Meijer is across I-65 to the east.

**TRAFFIC AND TRANSPORTATION:**

Progress Drive is an urban, non-residential collector which requires a 70' wide right-of-way or 35' half-width. 5' of additional right-of-way will need to be dedicated to the public on the final plat. *Petitioner requested a subdivision variance from the Lafayette Board of Works to not have to dedicate this additional right-of-way. This variance request was heard at its meeting on February 4<sup>th</sup> and received a recommendation of approval.*

The city is not requiring a "no vehicular access" statement along the frontage; however both the city and the future property owners have agreed on a driveway location near the center of Lot 1's frontage on Progress. An existing ingress-egress easement off-site to the northwest will serve any future businesses located on Lot 2 to the rear. Since both lots can obtain access to an existing road, the developers do not need to build the extension of Commerce Drive.

**ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

A city water main exists at the southwest corner of Lot 1 and a utility easement connects this main to Lot 2. Both lots can be served by a lateral not requiring a public improvement. Sewer lines exist in the utility easement along the north side of Lot 1; again no public improvement is necessary. Drainage for the site will be reviewed by the city as part of its building permit process.

**CONFORMANCE WITH UZO REQUIREMENTS:**

All setbacks shown are correct. The lot widths and areas for both lots exceed the ordinance minimum standards for both GB and HB zones.

**STAFF RECOMMENDATION:**

Conditional primary approval, contingent on the following:

A. *Variances:*

1. *A variance to reduce the required non-residential urban collector half-width right-of-way for Progress Drive from 35-ft to 30-ft, matching the existing right-of-way for the Progress Drive frontage (from USO Section 5.3-2a).*

B. *Conditions*

**FINAL PLAT** – The following items shall be part of the Secondary Application and Final Plat approval:

1. A "No Vehicular Access" statement shall be platted along the I-65 on-ramp right-of-way line.
2. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
3. Off-site utility and ingress-egress easements shall be recorded and their recording information shown on the final plat.
4. All required building setbacks shall be platted.
5. The street addresses and County Auditor's Key Number shall be shown.

**SUBDIVISION COVENANTS** – The following items shall be part of the subdivision covenants:

6. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.